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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/629,966

07/30/2003

Gary E. Sullivan

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08/05/2008

GATEWAY, INC.

ATTN: PATENT ATTORNEY

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EXAMINER

STOKELY-COLLINS, JASMINE N

ART UNIT

PAPER NUMBER

2623

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/629,966	Applicant(s) SULLIVAN ET AL.	
	Examiner JASMINE STOKELY-COLLINS	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Terminal Disclaimer

3. The terminal disclaimer filed on 4/22/2008 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 12/9/2023 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Response to Arguments

4. Applicant's arguments filed on 4/22/2008 have been fully considered but they are not persuasive.

On page 6, applicant argues that deCarmo does not teach two incompatible parental control schemes, and more specifically, two parental control schemes in which the user is able to choose general control parameters of each of the incompatible control schemes. The examiner disagrees.

In column 7 lines 45-55, deCarmo clearly discloses that an input stream of each input stream device is analyzed by the ratings manager and either granted or denied access based on each input stream's capabilities. Column 4 lines 18-19 and 47-55 disclose a plurality of input devices, ranging from cable and satellite television to a DVD player (each having its own ratings system or other control mechanisms (see col. 7 ll. 58-67), where a ratings system or other control mechanism is a type of parental control scheme).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeCarmo (US 6,760,915 B2) in view of Ward III et al (US 2002/0013941 A1).

Regarding claim 1, DeCarmo teaches a system for controlling a plurality of parental control subsystems in an audio/visual system (column 2 lines 4-6, lines 9-12), comprising:

a computer (column 3 lines 17-19) having a memory (figure 1 elements 110 and 115, column 3 lines 25-31) and a display (figure 1 element 170, column 3 lines 58-60);

one or more audio and/or audiovisual devices interfaced to said computer (column 4 lines 18-19 and 47-53), wherein at least one of said audio and/or audiovisual devices comprises a native parental control subsystem having adjustable parameters (which version of a movie to send, column 8 lines 5-7); control programming which operates the computer to receive user input (figure 2 element 204, column 4 lines 35-36), said user input allowing a user to choose one or more general parental control parameters (column 2 lines 18-22, lines 41-45); and control programming which operates the computer to set the adjustable

parameters of each native parental control subsystem within said system
(column 8 lines 5-10);

wherein the adjustable control parameters of the native parental control system include a first parental control scheme and a second parental control scheme, the first parental control scheme being incompatible with the second parental control scheme (column 2 lines 4-7 and lines 9-12 suggest DeCarmo's invention can be implemented with multiple devices having incompatible parental control schemes), and wherein the control programming allows a user to choose general control parameters of the first parental control scheme and the second parental control scheme (column 8 lines 5-10 show an example of how ratings manager 210 can adjust the parental control parameters of a device). Further, in column 7 lines 45-55, deCarmo clearly discloses that an input stream of each input stream device is analyzed by the ratings manager and either granted or denied access based on each input stream's capabilities. Column 4 lines 18-19 and 47-55 disclose a plurality of input devices, ranging from cable and satellite television to a DVD player (each having its own ratings system or other control mechanisms (see col. 7 ll. 58-67), where a ratings system or other control mechanism is a type of parental control scheme).

DeCarmo does not teach said system is configurable by a graphical user interface (GUI).

Ward teaches a parental control system configurable by a graphical user interface (GUI) (abstract). It would have been obvious to one of ordinary skill in

the art at the time the invention was made to use a GUI to configure parental control settings, as taught by Ward, with the parental control system taught by DeCarmo for the benefit of providing a user with an easy-to-use interface for setting parental controls.

Regarding claim 2, when read in light of claim 1, DeCarmo further teaches said one or more audio and/or audiovisual devices comprises a plurality of audio and/or audiovisual devices interfaced to said computer (column 4 lines 18-19 and 47-53), and wherein at least two of said audio and/or audiovisual devices comprise a native parental control subsystem having adjustable parameters (column 2 lines 4-6 and 9-12, column 8 lines 5-10 disclose a native parental control system in a DVD player, and column 4 lines 47-53 disclose two DVD players may be attached to the system).

Regarding claim 3, when read in light of claim 2, DeCarmo further teaches said at least two audiovisual devices are multimedia devices (column 4 lines 47-53).

Regarding claim 4, when read in light of claim 3, DeCarmo further teaches said multimedia devices are one or more DVD devices (column 4 lines 18-19 and lines 47-53), video tape devices, television devices (column 4 lines 53-54), or any combination thereof.

Regarding claim 5, when read in light of claim 4, DeCarmo further teaches said television devices are selected from the group consisting of televisions, cable television set top boxes (figure 2 element 218, column 4 lines 54-55), digital satellite service set top converters (figure 2 element 216, column 4 lines 53-54), television tuner cards, and any combination thereof.

Regarding claim 6, when read in light of claim 2, regarding limitation "said user input comprises user responses to a series of on-screen questions", it would have been obvious to one of ordinary skill at the time the invention was made to alter the parental control set-up taught by Ward by presenting the viewer with the questions implied by the menu screen. For example, in figure 1 DeCarmo is implicitly asking "Which category would you like?" to the user. In figure 6, after a user has selected "By Ratings" in figure 5, the implicit question is "Which ratings would you like to allow?". Examiner takes official notice that it was well known, and obvious, to simplify the selection process even further by displaying those questions which are implied by each menu screen.

Regarding claim 7, when read in light of claim 2, Ward further teaches user input comprises user selection of on- screen items displayed via said graphical user interface (page 4 section 0051).

Regarding claim 8, when read in light of claim 7, Ward further teaches said graphical user interface comprises a first on-screen overlay, said first on-screen overlay comprising audiovisual content-based user-selectable items (figure 1, when user selects "By Ratings"), and a second on-screen overlay, said second on-screen overlay comprising television channel-based user-selectable items (figure 1, when user selects "By Channel").

Regarding claim 9, when read in light of claim 8, Ward further teaches audiovisual content-based user selectable-items comprise television programming ratings, movie ratings, or both (figure 6).

Regarding claim 10 when read in light of claim 8, Ward further teaches control programming which operates the computer to provide on-screen visual indicia of user input (page 5 section 0071).

Regarding claim 11 when read in light of claim 1, DeCarmo further teaches at least two audio and/or audiovisual devices are interfaced to said computer (column 4 lines 18-19 and lines 47-55), the at least two audio and/or audiovisual devices including native parental control subsystems (column 2 lines 4-6 and 9-12, column 8 lines 5-10 disclose a native parental control system in a DVD player, and column 4 lines 47-53 disclose two DVD players may be attached to the system).

Regarding claim 13, when read in light of claim 1, DeCarmo further teaches control programming (column 12 lines 54-59) which operates the computer to set the adjustable parameters of each native parental control subsystems is based on the received user input choosing the one or more general parental parameters (column 2 lines 18-22, column 8 lines 5-10).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASMINE STOKELY-COLLINS whose telephone

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number is (571) 270-3459. The examiner can normally be reached on M-Th 9:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jasmine Stokely-Collins/
Examiner, Art Unit 2623

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2623